

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

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**TEJ & TJJ LLC,**

Petitioner-Appellant,

v.

**Black Hawk County Board of Review,**

Respondent-Appellee.

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**ORDER**

**Docket No. 11-07-1592**

**Parcel No. 8913-26-434-015**

On July 3, 2012, the above captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board under Iowa Code sections 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant TEJ & TJJ LLC was represented by owner/member Tyler E. Junker. It requested a written consideration. Assistant County Attorney David J. Mason represented the Black Hawk County Board of Review. The Appeal Board having reviewed the entire record and being fully advised, finds:

***Findings of Fact***

TEJ & TJJ LLC (TJE) owner of a residentially classified property located at 917 Wellington Street, Waterloo, Iowa, appeals from the Black Hawk County Board of Review regarding its 2011 property assessment. The January 1, 2011, assessment is \$47,120, allocated as \$4500 in land value and \$42,620 in improvement value.

The subject property is a two-story frame, two-family conversion residence built in 1896. The improvements include 1400 square feet of above-grade finish and a full basement. There are two small porches. The improvements are listed in normal condition with 35% physical depreciation and 15% functional obsolescence. The site is 0.096 acres.

TEJ protested its assessment to the Black Hawk County Board of Review. On the protest it contended there has been a change downward in value since the last assessment under section 441.37(1) and 441.35. Its petition stated: “sale \$20,530 on 10/15/2010 by government.” In a re-assessment year, a challenge based on downward change in value is akin to a market value claim. *See Dedham Co-op. Ass’n v. Carroll County Bd. of Review*, 2006 WL 1750300 (Iowa Ct. App. 2006)(unpublished). Accordingly, we consider TEJ’s claim as one of over-assessment under Iowa Code section 441.37(1)(b).

The Board of Review denied the protest.

TEJ then appealed to this Board reasserting its claim of over assessment. It asserts the correct value is \$34,500, allocated as \$4500 in land value and \$30,000 in improvement value.

Tyler Junker submitted a written statement and submitted one property he considered as a comparable sale. The comparable property is located at 906-908 Wellington Street. Junker states this property sold within two month of the TEJ property’s sale date and is located on the same block. It sold for \$18,000 in August 2010. The property is a two-story conversion, built in 1896, and has 1552 square-feet of living area. However, the condition of this property is unknown and Junker did not make any adjustments for any other differences that may exist. We do not find this single comparable, on its own, to be persuasive evidence of the subject’s market value as of January 1, 2011.

Junker also states the subject property was purchased in October 2010 for \$20,530 and that while he has completed “minor work” including some “carpet, paint, etc” he does not believe it significantly increased the value of the property. We note the October purchase was from the Secretary of Housing and Urban Development, a government entity, and as such would be an abnormal transaction under Iowa law. Additionally, because the sale was the result of a foreclosure it may not be reflective of market value.

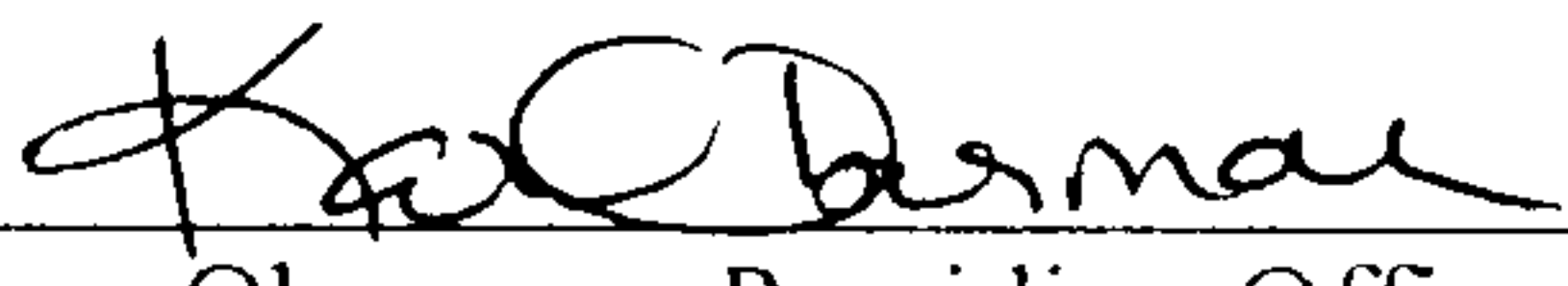
The Board of Review did not submit any evidence.

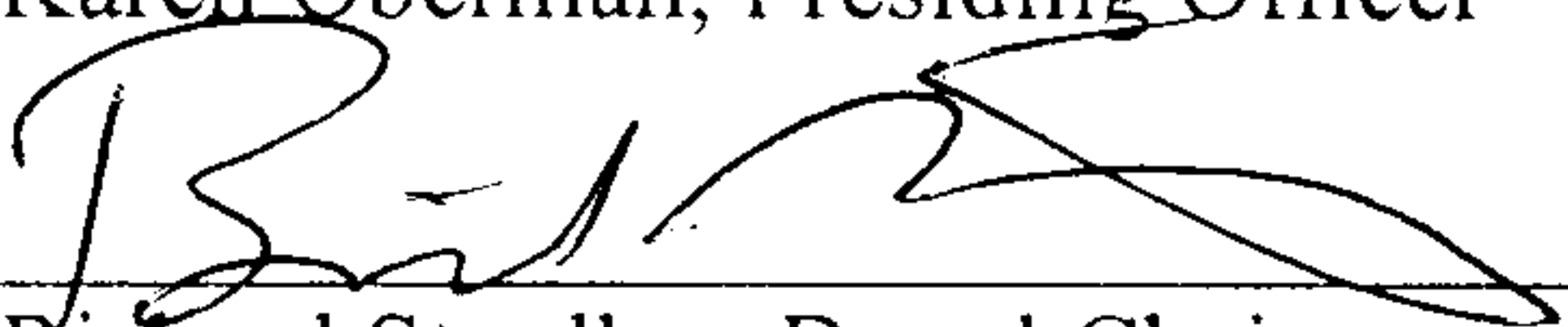
subject property as of January 1, 2011. Therefore, a preponderance of the evidence does not support the claim that the property is assessed for more than authorized by law.

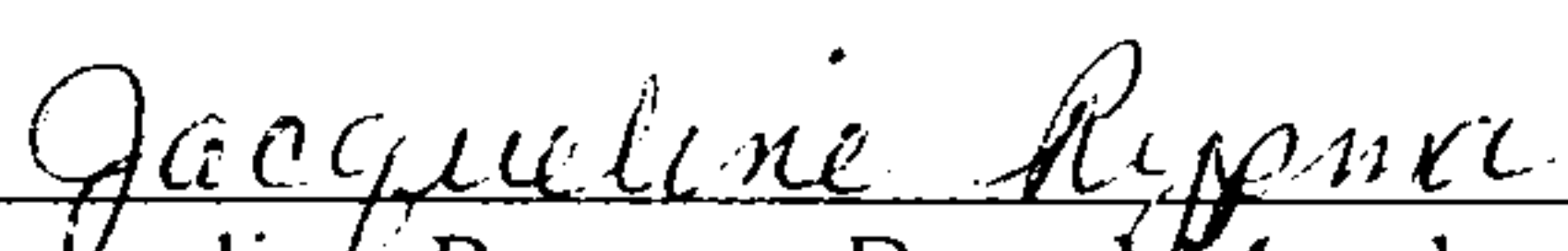
We affirm the assessment of TEJ & TJJ LLC's property as determined by the Black Hawk County Board of Review.

THE APPEAL BOARD ORDERS the assessment of TEJ & TJJ LLC's property located at 917 Wellington Street, Waterloo, Iowa, of \$47,120, as of January 1, 2011, set by Black Hawk County Board of Review, is affirmed.

Dated this 20 day of August, 2012.

  
Karen Oberman, Presiding Officer

  
Richard Stradley, Board Chair

  
Jacqueline Rypma, Board Member

Cc:

TEJ & TJJ LLC  
PO Box 538  
Waterloo, Iowa 50704  
APPELLANT

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Waterloo, Iowa 50701  
ATTORNEY FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>8-20</u> , 2012	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	